

Message Text

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SUBJ: ORGANIZED LABOR CONCERN OVER FREE TRADE ZONE LAW

REF: 77 COLOMBO A-108

1. A JANUARY 4 ARTICLE IN THE "SOCIALIST NATION" CONCERNING
THE GREATER COLOMBO ECONOMIC COMMISSION LAW (FREE TRADE ZONE)
(FTZ) IS QUOTED BELOW:

2. QUOTE: CFL CONTENDS DENIAL OF FUNDAMENTAL RIGHTS. MR.
BATTY WEERAKOON, GENERAL SECRETARY OF THE CEYLON FEDERATION
OF LABOUR HAS, IN A PETITION TO THE CONSTITUTIONAL COURT,
POINTED OUT THAT THE GREATER COLOMBO ECONOMIC COMMISSION LAW
PRESENTED BY THE PRIME MINISTER TO THE NATINAL STATE ASSEMBLY
TODAY HAS TAKEN AWAY FROM LABOUR ITS RIGHTS, PRIVILEGES,
IMMUNITIES AND PROTECTIONS IN A MANNER INCONSISTENT WITH THE
CONSITUTION OF SRI LANKA.

3. MR. WEERAKOON HAS POINTED OUT THAT THE PROVISION IN THE
BILL THAT THE INDUSTRIAL DISPUTES ACT AND TERMINATION OF EM-
PLOYMENT (SPECIAL PROVISIONS) ACT SHALL NOT APPLY TO ENTER-
PRISES THAT COME WITHIN THE FREE ZONE CONCEPT, THROUGH AGREE-
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MENTS ENTERED INTO BETWEEN THE COMMISSION AND SUCH ENTER-
PRISES, IS REPUGNANT TO THE CONSTITUTION'S SECTION 18 (1) (A)
WHICH STATES THAT IT IS A FUNDAMENTAL RIGHT THAT ALL PERSONS
ARE EQUAL BEFORE THE LAW AND ARE ENTITLED TO EQUAL PROTECTION
OF THE LAW. HE STATES THAT THE BILL FURTHER GIVES THE COM-
MISSION POWER TO DISCRIMINATE BETWEEN PERSONS AND BODIES IN
ENTERING INTO AGREEMENTS UNDER THE LAW AND THAT THE SAID PROVISION

TO MILITATES AGAINST THE SAME FUNDAMENTAL RIGHT..

4. MR. WEERAKOON FURTHER STATES THAT, IN THAT THE BILL EMPOWERS THE COMMISSION TO EXEMPT CERTAIN ENTERPRISES FROM THE TRADE UNION ORDINANCE, THE FUNDAMENTAL RIGHT 18 (1) (F) OF THE CONSTITUTION WHICH GUARANTEES TO ALL CITIZENS THE RIGHT TO PEACEFUL ASSEMBLY AND OF ASSOCIATION IS INFRINGED UPON BY THE RELEVANT SECTION.

5. MR. WEERAKOON, IN HIS PETITION, GOES ON TO STATE THAT THE BILL GIVES THE MINISTER THE POWER TO AMEND, MODIFY AND IN EFFECT REPEAL THROUGH REGULATION AND SUBORDINATES LEGISLATION SUBSTANTIVE LAWS SUCH AS THE WAGES BOARD ORDINANCE, THE SHOP & OFFICE EMPLOYEES ACT, THE FACTORIES ORDINANCE, THE TRADE UNION ORDINANCE, THE MATERNITY BENEFITS ORDINANCE, THE WORKMEN'S COMPENSATION ORDINANCE AND ANY OTHER LEGISLATION WHICH THE MINISTER MAY AT A FUTURE TIME THROUGH REGULATION BRING WITHIN THE SCHEDULES PROVIDED FOR IN THE BILL. HE SAYS THAT THIS POWER AND THE POWER OF THE MINISTER TO ALTER BY REGULATION THE TERRITORIAL AREA OF THE FREE ZONE ARE ULTRA VIRES THE CONSTITUTION IN THAT THEY USURP THE N.S.A.'S LEGISLATIVE POWER. MR. WEERAKOON STATES THAT AUTHORITIES CREATED UNDER THE BILL CAN EVEN BY ADMINISTRATIVE ACTION IN EFFECT RESCIND OR AMEND A LAW OR MODIFY IT IN ITS APPLICATION. END QUOTE.

6. COMMENT: WHILE PROBABLY PRESENTING THE EXTREME OPPOSITION
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VIEW, THE ARTICLE AND MR. WEERAKOON, A RESPECTED LSSP ATTORNEY AND LABOR LEADER, REFLECT A CONCERN WHICH IS APPARENTLY SHARED BY MOST TRADE UNION LEADERS ABOUT THE VAST AUTHORITY AND POWER GRANTED THE FTZ COMMISSION. EVEN IF THE CONSTITUTIONAL COURT FINDS THE FTZ LAW IS INCONSISTENT WITH THE CONSTITUTION, THE LAW CAN STILL BE PASSED BY A 2/3 VOTE OF THE NATIONAL STATE ASSEMBLY.
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